

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

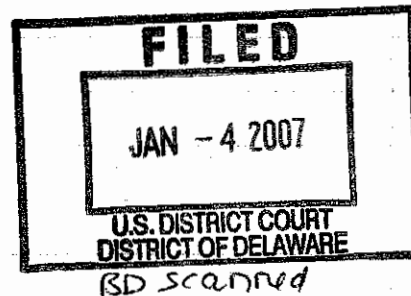
JIMMIE LEWIS

V.

CA. NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, ET AL.

MOTION FOR DISCLOSURE
PURSUANT TO RULE 37



DATE: 1/02/07

Jimmie Lewis
SB1#506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

1.) PER DISCOVERY RESPONSE TO DISCOVERY # IV DATED 11/30/2006, DL 87, DEFENDANTS JOHNSON-SAGERS-GRAY AND MOFFETT NOTE AS RESPONSE TO QUESTION #11, QUOTE: NAME, ADDRESS AND PHONE #'S OF EACH WITNESS AND EXPERT WITNESS THAT THE DEFENDANTS MAY CALL TO PRESENT EVIDENCE DURING PRE-TRIAL OR TRIAL, ALONG WITH ALL DOCUMENTS OR REPORTS INTENDED TO BE UTILIZED DURING PRE-TRIAL PROCEDURES OR AT TRIAL. RESPONSE, THE DEFENDANT THEMSELVES, (ROBERT GRAY, BRIAN JOHNSON, DAVID MOFFETT; AND LANCE SAGERS.); DR. SYLVIA FOSTER, DR. CHARLOTTE SELIG; NA MICHAEL ERICKSEN, RNM KEN CREASEY, CHARGE NURSE HELEN HANLON, UNIT DIRECTOR MITCHELL DIANE STACHOWSKI, FLORENCE SCOTT COBB, SIFT SUPER DAVE SAXTON, NA CLARENCE OATES, NURSE MANAGER MITCHELL-CURTIS CORNISH, NA WILLIAM EVANS, PSYCHOLOGIST DR. KATHERINE SHENEMAN, HEAD NUTRITIONIST NANCY ANDERSON. BY WAY OF FURTHER RESPONSE, ANSWERING DEFENDANTS DO NOT HAVE ADDITIONAL DOCUMENTS THAT ARE NOT ALREADY PART OF DOCUMENTS PRODUCTION PROVIDED TO PLAINTIFF; UNQUOTE.

2.) THE DEFENDANTS JOHNSON, SAGERS, GRAY AND MOFFETT INTEND TO UTILIZE SAID WITNESSES FOR PRE-TRIAL, SUMMARY JUDGEMENT AND OR TRIAL PROCEDURES, REGARDING DISCOVERY EVIDENCE REQUESTED BY THE PLAINTIFF VIA DISCOVERY # 5 II DL. 85, III DL. 86, IV DL. 87, V DL. 91, VI DL. 95 AND VII DL. 99, BUT SAID DISCOVERY RESPONSES ARE INSUFFICIENT AND EVASIVE, EVEN THOUGH SAID WITNESSES ARE IN POSSESSION OF THE EVIDENCE THE PLAINTIFF SEEKS VIA SAID DISCOVERY REQUEST.

SAID DISCOVERY RESPONSES ARE INSUFFICIENT AND EVASIVE DUE TO THE DEFENDANTS CLAIMING, I QUOTE: THIS QUESTION APPEARS TO BE DIRECTED ONLY TO DR. FOSTER, NOT ANSWERING DEFENDANTS AND THEREFORE NO RESPONSE IS REQUIRED TO THE EXTENT A RESPONSE IS REQUIRED, ANSWERING DEFENDANTS ARE WITHOUT SUFFICIENT KNOWLEDGE OR INFORMATION, UNQUOTE.

THE ANSWERING DEFENDANTS CLAIMS ARE ERRONEOUS, DUE TO SAID WITNESSES BEING IN POSSESSION OF THE EVIDENCE THE PLAINTIFF REQUESTED VIA DISCOVERY.

3.) IF THE DEFENDANTS DO NOT DISCLOSE SAID DISCOVERY REQUEST, AND AND THEREAFTER ALLOWED TO UTILIZE THE VERY EVIDENCE IN THE POSSESSION OF SAID WITNESSES DURING PRE-TRIAL, SUMMARY JUDGEMENT MOTIONS AND OR AT TRIAL, WOULD BE JUDICIALLY SYNONYMOUS TO THIS HONORABLE COURT GRANTING IN FULL THE DEFENDANT DR. SYLVIA FOSTER'S SECOND MOTION FOR PROTECTIVE ORDER DATED 10/26/2006, FOR WHICH WOULD PREJUDICE THE PLAINTIFF, DUE TO DR. FOSTER'S 10/26/06 MOTION FOR PROTECTIVE ORDER AND THE DEFENDANTS JOHNSON, SAGERS, GRAY AND MOFFETT' INSUFFICIENT AND EVASIVE DISCOVERY RESPONSES BEING JUDICIAL STRATEGY CONSTRUCTED BY THE DEFENDANTS TO PREVENT THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH IN THIS ACTION FROM BEING REVEALED.

4.) IN SUPPORT OF THE AFOREMENTIONED, ON DEC 18, 2006 THE DEFENDANT DR. SYLVIA FOSTER'S ATTORNEY CAUL J. ANTOFF DEPOSED THE PLAINTIFF TO SUCH A DEGREE WITHOUT AN OFFICIAL COURT ORDER AND OR A NOTICE OF DEPOSITION BEING FILED WITH THE CLERK OF THE COURT, THAT SAID ATTORNEY HAS BEEN REPLACED BY LOUIS J. RIZZO JR, AND RONALD W. HARTNETT JR., DUE TO THE PLAINTIFF POINTING OUT DURING THE DEC 18, 06 DEPOSITION THAT SAID DEFENDANT WAS IN VIOLATION, I. E. CONTEMPT OF COURT.

CONT #4.) ON DEC 18, 2006 THE DEFENDANT DR. SYLVIA FOSTER DELIBERATELY UNDERMINED THIS HONORABLE COURT'S ORDERS DATED JULY 28, 2006 DE. 72, AND SEPT 27, 2006 DE. 83, ALSO DEPUTY ATTORNEY GENERAL GREGORY E. SMITH EXPRESSED HIS INDIFFERENCE TO THE PLAINTIFF'S PLIGHT BY WAY OF DURESS, FOR WHICH IS DEFINED BY THE D.A.'S THREATS TO SUBJECT THE PLAINTIFF'S GOOD TIME CREDITS TO SANCTIONS? (SEE DEC 18, 2006 DEPOSITION TRANSCRIPT).

5.) THE PLAINTIFF'S MOTION FOR THE DEFENDANT DR. SYLVIA FOSTER'S CONTEMPT OF COURT ORDERS IS FORTHCOMING!

FOR THE FOREGOING REASONS, THE PLAINTIFF HEREBY REQUEST FOR THIS HONORABLE COURT TO GRANT AN ORDER TO COMPEL DISCLOSURE REGARDING DISCOVERY REQUEST #'S II DE. 85, III DE. 86, IV DE. 87, V DE. 91, VI DE. 95, AND VII DE. 99, ALONG WITH A CLAUSE THAT STATES THAT SAID WITNESSES WILL NOT BE ABLE TO PRESENT PRE-TRIAL AND OR TRIAL EVIDENCE AND OR TESTIMONY REGARDING THE CLAIMS AS DESCRIBED IN THE PLAINTIFF'S DISCOVERY REQUEST, FOR WHICH PERTAIN TO THE PLAINTIFF'S COMPLAINT.

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS
DUE HEREBY CERTIFY ON THIS 2ND DAY OF,
JAN, 2007 THAT I DID MAIL
ONE TRUE AND CORRECT COPY OF THE 1/02/07
MOTION FOR DISCLOSURE PURSUANT TO RULE 37,
BY U.S. POSTAL TO THE FOLLOWING:

CLERK OF THE COURT (GMS)
UNITED STATES DISTRICT COURT
844 N. KING ST, LOCK BOX 18
WILMINGTON, DELAWARE 19801

GREGORY E. SMITH
DEPUTY ATTORNEY GENERAL
820 N. FRENCH ST, 7TH FL
WILMINGTON, DELAWARE 19801

DATE: 1/02/07

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CLERK OF THE COURT (GMS)
UNITED STATES DISTRICT COURT
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WILMINGTON, DELAWARE
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